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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,185	04/13/2004	Valentin Oprescu-Surcobe	CE11125R	3710
22917	7590	09/26/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			CAI, WAYNE HUU	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,185	<b>Applicant(s)</b> OPRESCU-SURCOBE ET AL.	
	<b>Examiner</b> Wayne Cai	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9,12-14,17 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,12-14,17 and 27-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/06/2006</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|--|---|

### DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claims 1, 2, 6-9, 12-14, 17, and 27-38 are currently pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (hereinafter "Chen", US 2003/0157945).

**Regarding claim 34**, Chen discloses a method comprising:

- receiving, by a base station (BS) (fig. 4, "BSC") from network equipment (i.e., fig. 4, "PCF"), a short data delivery message (message 406 and paragraph 0049);
- signaling by the BS a mobile station (MS) in response to the short data delivery message (message 410 and paragraph 0051);

- sending by the BS a short data acknowledgment message to the network equipment indicating whether a response from the MS was received for the signaling of the MS by the BS (fig. 4, message 426 and paragraph 0053).

**Regarding claim 35**, Chen discloses all limitations within claim as described above. Chen further discloses wherein sending by the BS a short data acknowledgment message to the network equipment indicating whether a response from the MS was received comprises (fig. 4 and its descriptions):

in response to receiving by the BS an acknowledgment from the MS (message 422) in response to the signaling by the BS (message 420), sending by the BS a short data acknowledgment message to the network equipment indicating that a response from the MS was received (messages 424 & 426).

**Regarding claim 36**, Chen discloses all limitation within claim as described above. Chen further discloses wherein the short data delivery message comprises a message of a type that is used for conveying a small, limited amount of data to an MS (paragraphs 0046-0047).

**Regarding claim 37**, Chen discloses all limitation within claim as described above. Chen further discloses wherein the short data delivery message indicates a signaling location within which to signal the MS (paragraphs 0064-0065) and wherein signaling the MS in response to the short data delivery message comprises signaling the MS in the signaling location indicated (paragraphs 0064-0065).

**Regarding claim 38**, Chen discloses all limitation within claim as described above. Chen further discloses wherein the signaling location indicated comprises

location information of a type from the group consisting of a cell ID, a base station ID, a list of cell IDs, and a location area code (LAC) (paragraphs 0057, 0058, and 0064).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee et al. (hereinafter "Magee", US 2004/0198379 A1) in view of Blackett et al. (hereinafter "Blackett", US 2004/0138834).

**Regarding claim 1**, Magee discloses a method for enabling wireless presence-based services comprising:

- monitoring by a wireless communications network, messaging and messaging responses of a mobile station (MS), wherein the messaging and the messaging responses do not specify a presence state of the MS or a presence state change by the MS (figure 2, boxes 110 and 112);
- communicating, by the wireless communications network, the state change to a presence server (paragraph 0014).

Magee, however, does not specifically disclose:

- inferring, by the wireless communications network, a change in the presence state of the MS based upon the monitoring, wherein inferring comprises

inferring the MS presence state has changed when the presence state of the MS indicates that the MS is present and messaging is detected that indicates MS activity from the group consisting of powering down, deregistering, entering an unavailable mode, handing off outside the wireless communication network, and involved in other communication.

In a similar endeavor, Blackett discloses a communication architecture for intelligent electronic devices. Blackett further discloses inferring, by the wireless communications network, a change in the presence state of the MS based upon the monitoring, wherein inferring comprises inferring the MS presence state has changed when the presence state of the MS indicates that the MS is present and messaging is detected that indicates MS activity (paragraph 0133).

Although the combination of Magee and Blackett does not specifically teach or suggest the group consisting of consisting of powering down, deregistering, entering an unavailable mode, handing off outside the wireless communication network, and involved in other communication when detecting the presence state change. However, it would have been obvious to one skilled that the presence/status of the user is changed based on different situations or factors. For instance, Blackett teaches or suggests that the presence/status is changed when a pre-determined time has elapsed without any event (i.e., entering in idle mode as known in the art). See paragraph 0133. Hence, the list of activity consisting of powering down, deregistering, entering an unavailable mode, handing off outside the wireless communication network, and involved in other communication, as listed in the claim is an obvious variation and is

known in the art because when the device is powering down, it means that the device is unavailable, and de-registered, etc...

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Magee with Blackett.

The motivation/suggestion for doing so would have been to determine and provide the current status of the device at any given time.

**With further regard to claim 28**, Magee and Blackett teach all limitations within claim 1 as described above. Magee also teaches or suggests wireless transceiver equipment adapted to receive messaging and messaging responses of a mobile station (MS) (figure 1, items 20 & 30); a wireless presence proxy, communicatively coupled to the wireless transceiver equipment (figure 1, item 50),

**Regarding claim 6**, it is obvious to one skilled in the art that the method of inferring comprises: inferring the MS presence state has changed when the presence state of the MS indicates that the MS is non-present and messaging is detected that indicates MS activity from the group consisting of powering up, registering, exiting an unavailable mode, handing off into the wireless communication network, and performing other communication because of the reasons rejected in claim 5.

5. Claims 2, 7-9, 12-14, 17, 27, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee et al. (hereinafter "Magee", US 2004/0198379 A1) in view of Blackett et al. (hereinafter "Blackett", US 2004/0138834), and further in view of Chen et al. (hereinafter "Chen") (US 2003/0157945 A1).

**Regarding claim 2**, Magee and Blackett disclose the method of claim 1 as described above. Magee, however, fails to disclose the messaging responses comprise responses from the group consisting of a page response, a shod data burst (SDB) acknowledgment, a status response message, a short message service (SMS) acknowledgment, and a layer 2 acknowledgment.

In a similar endeavor, Chen discloses a method and apparatus for delivering information to a dormant target mobile. Chen further discloses, wherein the messaging responses comprise responses from the group consisting of a page response, a shod data burst (SDB) acknowledgment, a status response message, a short message service (SMS) acknowledgment, and a layer 2 acknowledgment (figures 4 & 5, and its descriptions).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the messaging responses in order to acknowledge whether or not the device is still in communication.

**Regarding claim 7**, Magee and Blackett the method of claim 1 as described above. Magee, however, fails to disclose signaling, by the wireless communications network, the MS with messaging to which the MS is required to respond. Chen discloses, further comprising:

- signaling, by the wireless communications network, the MS with messaging to which the MS is required to respond (paragraphs 0051 & 0052, and figure 4, item 414 or 422).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to signal by the wireless communication network in order to communicate with the MS.

**Regarding claim 8**, Magee, Blackett, and Chen disclose the method of claim 7 as described above. Chen further discloses, wherein messaging to which the MS is required to respond comprises messaging from the group consisting of a page, a short data burst (SDB) message, a status request message, and a short message service (SMS) message (figures 4 & 5, and its descriptions).

**Regarding claims 9 and 33**, Magee and Chen disclose the method of claim 7 as described above. Chen further discloses:

- wherein monitoring comprises maintaining last-known-location information for the MS based on the messaging and the messaging responses (paragraph 0064),
- wherein signaling the MS comprises signaling the MS in a group of at least one cell based on the last-known-location information for the MS (paragraph 0064).

**Regarding claim 12**, Magee and Chen disclose the method of claim 7 as described above. Chen further discloses, wherein monitoring comprises receiving, by the wireless communications network, a messaging response in response to the signaling and wherein the method further comprises:

- inferring, by the wireless communications network, no change in a presence state of the MS based upon the monitoring, confirming, by the wireless

communications network, the presence state to a presence server (paragraph 0064).

**Regarding claims 13, 14, and 32**, Magee, Blackett, and Chen disclose the method of claim 7 as described above. Chen further discloses:

- wherein monitoring passed after signaling the MS in which no response to the signaling has been received (paragraph 0064),
- wherein the no response within the period of time is a messaging response (paragraph 0064),
- wherein inferring comprises inferring a change in the presence state of the MS based upon the messaging response when the presence state of the MS indicates that the MS is present (paragraph 0064).

**Regarding claim 17**, Magee, Blackett, and Chen disclose the method of claim 7 as described above. Chen further discloses:

- wherein the wireless communications network comprises a control function and a base station (BS) (figure 5, boxes "BSC" and "MSC/VLR"),
- wherein the control function sends a signaling request message to the BS (figure 5, "Paging Request"),
- wherein signaling the MS comprises signaling by the BS in response to the signaling request message (figure 5, "Page Response").

**Regarding claim 27**, since the examiner rejects claim 1 because of the reasons above. It is also obvious to one skilled in the art that that the control function

communicates and infers a change in the presence state of the MS based upon monitoring.

**Regarding claim 29**, Magee, and Blackett disclose the wireless communications network of claim 28 as described above. Magee, however, fails to disclose the presence server comprises a presence server from the group consisting of an instant messaging (IM) server and a push-to-talk (PTT) server.

In a similar endeavor, Chen discloses a method and apparatus for delivering information to a dormant target mobile. Chen further discloses, wherein the presence server comprises a presence server from the group consisting of an instant messaging (IM) server and a push-to-talk (PTT) server (paragraphs 0028-0032).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the presence server to communicate with other devices.

**Regarding claim 30**, Magee, and Blackett disclose the wireless communications network of claim 28 as described above. Magee, however, fails to disclose the messaging responses comprise responses from the group consisting of a page response, a short data burst (SDB) acknowledgment, a status response message, a short message service (SMS) acknowledgment, and a layer 2 acknowledgment. Chen discloses, wherein the messaging responses comprise responses from the group consisting of a page response, a short data burst (SDB) acknowledgment, a status response message, a short message service (SMS) acknowledgment, and a layer 2 acknowledgment (figure 4 and its descriptions).

**Regarding claim 31**, Magee, and Blackett disclose the wireless communications network of claim 28 as described above. Magee, however, fails to disclose the wireless presence proxy is further adapted to signal via the wireless transceiver equipment the MS with messaging to which the MS is required to respond. Chen discloses, wherein the wireless presence proxy is further adapted to signal via the wireless transceiver equipment the MS with messaging to which the MS is required to respond (paragraphs 0051-0052).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the wireless presence proxy that is coupled with other devices to provide authorization for location based services.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Wayne Cai  
Examiner  
Art Unit 2617



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